

CLASSIFICATION OFFICE DECISION

Title of publication: 1223.jpg

Other known title(s): Not stated

OFLC ref: 1800194.002

Medium: Image File

Publisher: Not stated

Country of origin: Aotearoa New Zealand

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Objectionable except if the availability of the publication is restricted to the person depicted in the image.
------------------------	--

Descriptive note: None

Display conditions: None

Date of entry in Register: 24 August 2018

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 24 August 2018

Summary of reasons for decision:

The image is a self-taken photograph of a topless teenage girl. The publication depicts a partially nude teenage girl in a manner that is reasonably capable of a sexual reading. As a self-produced image confined to the subject's own keeping, the image is not exploitative. However, if it were to be made public and disseminated beyond the subject's intended audience, this would have the effect of exploiting the subject and her nudity. In the hands of persons with a sexual interest in young people, the image is likely to be eroticised and the young subject objectified and sexualised. However, it would be unfair and unreasonable to penalise the subject for taking such a photograph of her own body. Making the image publicly available beyond the subject is likely to be injurious to the public good. Restricting the availability to the subject of the image will have the same effect as an objectionable classification without criminalising the subject for possessing an image of herself. Any other person in possession of any of this publication is in breach of the classification. This classification is a reasonable and justified limitation on the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990. It is consistent with Parliament's intention to limit the availability of publications that exploit the nudity of young persons.